

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 10-00093-01-CR-W-GAF
DIAMOND BLAIR,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 16, 2011. Defendant Diamond Blair appeared in person pro se. Stand-by counsel John Picerno was present. The United States of America appeared by Assistant United States Attorney Leena Ramana.

I. BACKGROUND

On April 6, 2010, an indictment was returned charging defendant with one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Ramana announced that she and Sydney Sanders will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Darrell Reach, Kansas City, Missouri Police Department.

Defendant Diamond Blair announced that he will be trying the case pro se. John Picerno will be present as stand-by counsel.

III. OUTSTANDING MOTIONS

The following motions are pending for ruling by the Magistrate Judge:

- Motion for Order to Examine and Depose Grand Jury (Doc. No. 276); *waiting for mandate from Eighth Circuit.*

The following motions are pending for ruling by the District Judge:

- Motion in Limine (Doc. No. 29);
- Motion in Limine (Doc. No. 30);
- Motion to Dismiss Case (Doc. No. 114); *R&R filed 11/15/11 (Doc. No. 306), objections due 11/29/11;*
- Motion to Amend/Correct Motion to Dismiss Case (Doc. No. 123); *R&R filed 11/15/11 (Doc. No. 306), objections due 11/29/11;*
- Supplemental Motion to Dismiss (Doc. No. 145); *R&R filed 11/15/11 (Doc. No. 306), objections due 11/29/11;*
- Motion for Leave to Appeal (Doc. No. 175);
- Motion to Strike (Doc. No. 183); *R&R filed 11/03/11 (Doc. No. 291), objections due 11/17/11;*
- Motion to Dismiss Case (Doc. No. 271); *R&R filed 11/04/11, objections due 11/18/11;*
- Motion in Limine (Doc. No. 301).

IV. TRIAL WITNESSES

Ms. Ramana announced that the government intends to call 12-13 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Defendant Diamond Blair announced that he intends to call 8 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Ramana announced that the government will offer approximately 17 exhibits in evidence during the trial.

Defendant Diamond Blair announced that he will offer approximately 30 exhibits

in evidence during the trial.

VI. DEFENSES

Defendant Diamond Blair announced that he will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Defendant Diamond Blair stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are not likely.

IX. TRIAL TIME

Counsel and the defendant were in agreement that this case will take 2-3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 2, 2010, counsel for each party file and serve a **list of exhibits** he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **November 16, 2011**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, Tuesday, **November 22, 2011**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions**¹ by or before noon, Tuesday,

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Wednesday, November 23, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

November 22, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

A motion in limine will probably be filed concerning the 5th Amendment and telephone calls. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the second week of the December joint criminal jury trial docket, or December 5, 2011.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
November 16, 2011

cc: Mr. Kevin Lyon